**IN THE UNITED STATES DISTRICT COURT**
**FOR THE EASTERN DISTRICT OF VIRGINIA**
**Alexandria Division**

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|---|---|---|
| THE NATIONAL ORGANIZATION FOR MARRIAGE, INC. | ) | |
| Plaintiff, | ) | |
| v. | ) | Civil Action No. 13-1225-JCC-IDD |
| THE UNITED STATES OF AMERICA, | ) | |
| Defendant. | ) | |

**UNITED STATES OF AMERICA'S WITNESS LIST**

Pursuant to this Court's Order of December 3, 2013, Defendant, the United States of America, through its undersigned counsel, hereby respectfully submits the following list of potential witnesses for the trial of the above-captioned matter.

In accordance with Federal Rule of Civil Procedure 26(a)(3), the identified witnesses are those Defendant may call if the need arises based upon the Plaintiff's case. Defendant reserves the right to seek to present the testimony of such witnesses by *de bene esse* deposition or through discovery deposition testimony if the witness in question is unavailable for trial and/or outside the subpoena power of the Court.

The witness list below simply reflects the present status of the instant litigation. Accordingly, Defendant also reserves the right to amend this list — including eliminating proposed witnesses — should further litigative developments (including, *inter alia*, positions advanced by Plaintiff) warrant.

**Will Call**

None.

**May Call**

1. Brian Brown
2. Chris Chieppa
3. David Hamilton
4. Fred Karger
5. Robert Koenig
6. Wendy Peters
7. Peggy Riley
8. Fred Sainz (or other representative of Human Rights Campaign)
9. Sherry Whitaker
10. Custodian of Records, Internal Revenue Service
11. The Defendant reserves the right to call any witness listed on the Plaintiff's Trial Witness List that Defendant does not object to, as well as any witnesses for rebuttal or impeachment purposes.

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Date: March 20, 2014

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/s/________________________________
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*Attorneys for the United States of America*

* Admitted *pro hac vice*

## CERTIFICATE OF SERVICE

I, David Moskowitz, hereby certify that on this date, I electronically filed the foregoing United States of America's Witness List with the Clerk of Court using the CM/ECF system, which will automatically serve a notice of this filing upon all attorneys' of record.

This 20th day of March 2014.

/s/__________________________________
David Moskowitz
Assistant United States Attorney